

SENATE BILL No. 72

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-48-4-18.

Synopsis: Medical research controlled substances. Provides that a physician who has obtained approval from certain entities to obtain, administer, and dispense or prescribe a controlled substance is immune from criminal liability for the possession or distribution of the controlled substance. Provides that an ultimate user who possesses or uses a controlled substance from that prescribing or dispensing physician is immune from criminal liability for the possession or use of the controlled substance. Provides certain exceptions. (The introduced version of this bill was prepared by the interim study committee on agriculture and natural resources.)

Effective: July 1, 2016.

Leising, Glick

January 5, 2016, read first time and referred to Committee on Health & Provider Services.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-48-4-18 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 18. (a) A physician licensed under IC 25-22.5 who has**
4 **obtained approval to obtain, administer, and dispense or prescribe**
5 **a controlled substance from:**

6 **(1) the federal Food and Drug Administration;**

7 **(2) the federal Drug Enforcement Administration, if the**
8 **federal Drug Enforcement Administration's approval is**
9 **required for the controlled substance; and**

10 **(3) an institutional review board;**

11 **is immune from criminal liability for any action performed with**
12 **respect to the controlled substance that is within the scope of**
13 **activities authorized by the approval.**

14 **(b) An ultimate user who possesses or uses a controlled**
15 **substance that has been prescribed or dispensed by a physician**
16 **under subsection (a) is immune from criminal liability for the**
17 **possession or use of:**



1 (1) the controlled substance; and
2 (2) any device medically necessary to possess or use the
3 controlled substance;
4 in accordance with the physician's instructions. However, this
5 subsection does not apply to an ultimate user who possesses or uses
6 the controlled substance in a manner that violates the physician's
7 instructions for the possession or use of the controlled substance.

